

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In RE: Tara Jean Johnson and
Sean Terrance Johnson
Debtors

Case No. 22-20566-CMB
Chapter 13

Tara Jean Johnson and Sean Terrance Johnson,
Movants
v.

DD No. 57
Related to DD No.
Related to claim No. 8

Specialized Loan Servicing, LLC,
Respondents

OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE

AND NOW Debtors Tara Jean Johnson and Sean Terrence Johnson, through their counsel David A. Colecchia, Esquire, file the within Objection to Notice of Mortgage Payment Change. In support of said Objection, the Debtors aver the following:

- 1) This is a core matter to which this Court may enter a final judgment.
- 2) However, if it is later determined this court cannot enter a final judgment absent consent by all parties, the Debtors consent to this Court entering a final judgment.
- 3) This Objection relates to the Notice of Mortgage Payment Change filed by Respondent Specialized Loan Servicing, LLC, on February 28, 2023.
- 4) As Specialized Loan Servicing, LLC is not an FDIC insured depository institution, service by first-class mail to its authorized agent, as identified in the Notice of Mortgage Payment Change, is appropriate.
- 5) This Notice increases the escrow payment from \$555.48 to \$722.66, an increase of \$167.18 per month.

6) However, the escrow analysis attached to the Notice does not explain several pieces of information, which the Debtor requires clarification on in order to determine if the Notice is appropriate.

7) First, the information concerning the shortage claims a projected minimum balance of \$2,841.59, a required minimum balance of \$1,240.36, and thus a projected shortage of \$1,229.83.

8) Section 3, marked “Estimated Escrow Payments over the next 12 months” indicates a projected minimum balance of \$10.53, which would create a shortage of \$1,229.83.

9) However, the use of a projected minimum balance greater than the required minimum balance, which would indicate a surplus instead of a deficit, is unclear and required additional explanation.

10) Second, the escrow analysis lists a payment out of “ESCROW REFUND” for July 2022.

11) However, that apparent refund is not explained, nor if that apparent withdrawal reflected in the actual escrow balance.

12) Finally, the end of “Actual Balance” indicates an escrow balance of \$280.44, and the start of “Estimated Escrow Payments” indicates a beginning estimated balance of \$3,111.50.

13) The Notice provides no explanation for this substantial difference.

14) Notably, the filed Proof of Claim for this mortgage indicates a projected escrow shortage of \$3,359.74 as part of the arrearage to be paid to Specialized Loan Servicing.

15) As of the date of this Objection, none of the listed arrearage have been paid.

16) The payment of these arrears does not appear to be explicitly included in the analysis, and it does not appear Specialized Loan Servicing implicitly included this escrow shortage, as the starting estimated balance minus the actual balance totals \$2,831.06, not the \$3,359.74 arrears provided.

17) Taken as a whole, the Debtor is concerned as to the accuracy of this escrow analysis, and believes as written creates a substantial risk of double-payment of escrow.

18) Given that, the debtor believes and therefore avers this Court should strike the Notice without prejudice to Select Portfolio Servicing either providing a satisfactory explanation as to the identified errors prior to re-filing, or in the alternative filing an Amended Notice fixing the issues the debtor has identified.

19) Furthermore, given the number of concerns, the Debtor does not feel it would be appropriate for Select Portfolio Servicing to charge any fees it incurs from this Objection to the Debtor.

WHEREFORE, the debtors respectfully requests this Honorable Court grant Debtor's Objection, and thereafter require strike Select Portfolio Servicing's Notice of Mortgage Payment Change without prejudice, and without additional fees to the Debtors.

Respectfully Submitted,

/s/David A. Colecchia, Esquire
Attorney for the Debtors

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